

Howard Marc Spector
TBA #00785023
SPECTOR & COX, PLLC
12770 Coit Road, Suite 850
Dallas, Texas 75251
(214) 365-5377
FAX: (214) 237-3380
EMAIL: hspector@spectorcox.com

**PROPOSED COUNSEL
FOR THE DEBTOR**

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

IN RE:

Builders Direct Sales Group, LLC

Debtor.

§
§
§
§
§
§
§

Case No. 23-30745-11

(Chapter 11)

**APPLICATION FOR FINAL ORDER PURSUANT TO § 327(a)
OF THE BANKRUPTCY CODE AUTHORIZING THE EMPLOYMENT
AND RETENTION OF SPECTOR & COX, PLLC
AS COUNSEL FOR THE DEBTOR IN POSSESSION**

**NO HEARING WILL BE CONDUCTED HEREON UNLESS A WRITTEN
RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES
BANKRUPTCY COURT AT 1100 COMMERCE STREET, DALLAS,
TEXAS 75242 BEFORE CLOSE OF BUSINESS ON JUNE 6, 2023, WHICH
IS AT LEAST 21 DAYS FROM THE DATE OF SERVICE HEREOF.**

**ANY RESPONSE SHALL BE IN WRITING AND FILED WITH THE
CLERK, AND A COPY SHALL BE SERVED UPON COUNSEL FOR THE
MOVING PARTY PRIOR TO THE DATE AND TIME SET FORTH
HEREIN. IF A RESPONSE IS FILED A HEARING MAY BE HELD WITH
NOTICE ONLY TO THE OBJECTING PARTY.**

**IF NO HEARING ON SUCH NOTICE OR MOTION IS TIMELY
REQUESTED, THE RELIEF REQUESTED SHALL BE DEEMED TO BE
UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING
THE RELIEF SOUGHT OR THE NOTICED ACTION MAY BE TAKEN.**

Builders Direct Sales Group, LLC (the “**Debtor**”), as Debtor and Debtor-in-possession in the above-captioned case, requests by this application (the “**Application**”) the entry of final orders authorizing the retention of Spector & Cox, PLLC (the “**Firm**”) as their counsel. In support hereof, the Debtor respectfully represents as follows:

BACKGROUND

1. On April 15, 2023 (the “**Petition Date**”), the Debtor filed its voluntary petition for relief under Chapter 11 of the Bankruptcy Code (the “**Bankruptcy Code**”). The Debtor has elected to proceed under Subchapter V.

2. Pursuant to §§ 1107 and 1108 of the Bankruptcy Code, the Debtor continues to manage its assets as debtor-in-possession.

3. The Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334. Venue of this proceeding and this Motion is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409. The statutory predicate for the relief sought herein is 11 U.S.C. § 327(a).

RELIEF REQUESTED

4. By this Application, the Debtor seeks to employ and retain the Firm as its counsel with regard to the prosecution of its Chapter 11 case, effective as of the Petition Date. Accordingly, the Debtor respectfully requests the entry of orders pursuant to § 327(a) of the Bankruptcy Code authorizing them to employ and retain the Firm to perform the legal services that will be necessary during its Chapter 11 case.

5. The Debtor seeks to retain the Firm because of the Firm’s experience and knowledge in the field of debtor’s and creditors’ rights and reorganizations under Chapter 11 of the Bankruptcy Code.

6. Subject to Bankruptcy Court approval in accordance with § 330(a) of the Bankruptcy Code, compensation will be payable to the Firm on an hourly basis, plus reimbursement of actual, necessary expenses and other charges incurred by the Firm. The hourly rates to be charged are the Firm's standard hourly rates for work of this nature. The Firm will also charge the Debtor for expenses in a manner and at rates consistent with charges made generally to other clients and consistent with the compensation guidelines adopted by this Court.

7. The professional services that the Firm will render to the Debtor include, but shall not be limited to, the following:

- (a) providing legal advice with respect to their powers and duties as Debtor-in-possession;
- (b) preparing and pursuing confirmation of a plan and approval of a disclosure statement;
- (c) preparing on behalf of the Debtor necessary applications, motions, answers, orders, reports and other legal papers;
- (d) appearing in Court and protecting the interests of the Debtor before the Court; and
- (e) performing all other legal services for the Debtor which may be necessary and proper in these proceedings.

8. To the best of the Debtor's knowledge and except as disclosed in the annexed affidavit of Howard Marc Spector (the "**Spector Affidavit**"), the Firm has not represented any of the Debtor's creditors, equity security holders, or any other parties-in-interest, or its respective attorneys, in any matter relating to the Debtor or its estate. As disclosed in the Spector Affidavit, the Firm does not hold or represent any interest adverse to the Debtor's estate, the Firm is a "disinterested person" as that phrase is defined in § 101(14) of the Bankruptcy Code, and the Firm's employment is necessary and in the best interests of the Debtor and its estate.

9. Prior to the filing of this case, the Debtor tendered funds in the amount of \$26,738.00 to the Firm as a retainer for services rendered herein (inclusive of filing fees). The

Firm deducted the filing fee from this amount. Thus as of this date, the Firm holds \$25,000.00 as a retainer to secure payment of post-petition fees and expenses. No fees or expenses will be paid to the Firm from the retainer until such time as a fee application is submitted to and approved by this Court or notice is given pursuant to the local rules of this Court for draw-down of the retainer.

10. No previous application for the relief sought herein has been made to this Court.

WHEREFORE PREMISES CONSIDERED, the Debtor respectfully requests entry of an order authorizing the Debtor to employ and retain Spector & Cox, PLLC, and granting such other and further relief as this Court may deem just and proper.

Dated: May 17, 2023.

By: /s/ James Cook
James Cook
Manager

Howard Marc Spector
TBA #00785023
SPECTOR & COX, PLLC
12770 Coit Road, Suite 850
Dallas, Texas 75251
(214) 365-5377
FAX: (214) 237-3380
EMAIL: hspector@spectorcox.com

**PROPOSED COUNSEL
FOR THE DEBTOR**

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

IN RE:

Builders Direct Sales Group, LLC

Debtor.

§
§
§
§
§
§
§

Case No. 23-41064-11

(Chapter 11)

**AFFIDAVIT OF HOWARD MARC SPECTOR IN SUPPORT OF APPLICATION FOR
ORDER PURSUANT TO § 327(a) OF THE BANKRUPTCY CODE AUTHORIZING
THE EMPLOYMENT AND RETENTION OF SPECTOR & COX, PLLC AS
COUNSEL FOR THE DEBTOR IN POSSESSION**

STATE OF TEXAS)
)
COUNTY OF DALLAS)

SS:

HOWARD MARC SPECTOR, being duly sworn, deposes and says:

1. I am an attorney at law and a member-manager of Spector & Cox, PLLC (the “Firm”). The Firm’s offices are located at 12770 Coit Road, Suite 850, Dallas, Texas 75251. This Affidavit is submitted in support of the Application for Order Pursuant to § 327 of the Bankruptcy Code Authorizing the Employment and Retention of Spector & Cox, PLLC, as Counsel for Builders Direct Sales Group, LLC, debtor and debtor in possession.

2. I have reviewed my records and documents to determine the Firm’s connections

with the Debtor, the Debtor's creditors, and its attorneys and accountants.

3. Insofar as I have been able to ascertain based on the review referred to in paragraph 2, the Firm has no connections to the Debtor, its creditors, or any other party in interest herein, or its respective attorneys and accountants. Accordingly, the Firm and its attorneys are "disinterested persons" as that term is defined in § 101(14) of the Bankruptcy Code in that the Firm is not:

- (a) a creditor, equity security holder, or insider of the Debtor;
- (b) an investment banker for any outstanding security of the Debtor;
- (c) attorney for an investment banker of the Debtor;
- (d) a director, officer, or employee of the Debtor or of any investment banker specified in subparagraph (b) or (c) above.

4. Prior to the filing of this case, the Debtor tendered funds in the amount of \$26,738.00 to the Firm as a retainer for services rendered herein (inclusive of filing fees). The Firm deducted the filing fee from this amount. Thus as of this date, the Firm holds \$25,000.00 as a retainer to secure payment of post-petition fees and expenses. No fees or expenses will be paid to the Firm from the retainer until such time as a fee application is submitted to and approved by this Court or notice is given pursuant to the local rules of this Court for draw-down of the retainer.

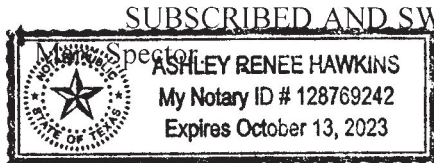
5. The Firm shall apply for compensation for professional services rendered in connection with this Chapter 11 case subject to the approval of this Court and in compliance with applicable provisions of the Bankruptcy Code, Bankruptcy Rules, and Orders of this Court, on an hourly basis, plus reimbursement of actual, necessary expenses and other charges incurred. My hourly rate is \$395.00/hour. The other member of the Firm, Sarah Cox, has an hourly rate of \$350.00/hour. My paralegals have an hourly rate of \$115.00/hour.

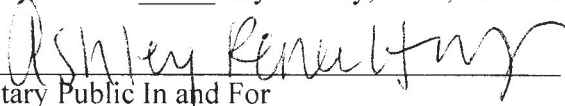
6. No promises have been received by the Firm as to compensation in connection with this case other than in accordance with the provisions of the Bankruptcy Code. The Firm has no agreement with any other entity to share any compensation received in connection with this Chapter 11 case.

7. I am not aware that any member of the Firm represents any interest adverse to the Debtor herein or its estate.



HOWARD MARC SPECTOR





Notary Public In and For
the State of Texas

My Commission Expires: _____